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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

BERNADINE GRIFFITH,  
PATRICIA SHIH, RHONDA  
IRVIN, AND JACOB WATTERS,

Plaintiffs,

v.

TIKTOK INC., et al.,

Defendants.

Case No. 5:23-cv-00964-SB-E

**DEFENDANTS' STATEMENT OF  
NON-OPPOSITION TO  
PLAINTIFFS' MOTION TO  
MODIFY CASE MANAGEMENT  
ORDER DEADLINES**

Date: January 19, 2024

Time: 8:30 a.m.

Courtroom: 6C

Judge: Hon. Stanley Blumenfeld Jr.

Filed: May 26, 2023

Amended Complaint Served: October  
20, 2023

Trial Date: September 30, 2024

1 Defendants TikTok Inc. and ByteDance Inc. do not oppose Plaintiffs'  
2 Motion to Modify the Court's Case Management Order (ECF No. 40) and  
3 Continue Deadlines (the "Motion," ECF No. 82) but respectfully submit this  
4 Statement of Non-Opposition to provide the Court with proper context regarding  
5 Defendants' discovery efforts. This Statement of Non-Opposition is supported by  
6 the Declaration of Sophia M. Mancall-Bitel submitted herewith.

7 As a general matter, Plaintiffs have requested types of data that TikTok does  
8 not use in the ordinary course of business. Declaration of Sophia M. Mancall-  
9 Bitel, December 29, 2023 ("Mancall-Bitel Dec.") ¶¶ 4, 10. The discovery  
10 Plaintiffs sought must be generated or created from immense data sets. *Id.* In  
11 order to provide Plaintiffs with this discovery, Defendants have been required to  
12 develop novel queries to compile the requested information from those data sets.  
13 *Id.* This has been a complex process involving extensive discussions with TikTok  
14 employees, the need to exercise judgment and discretion about how best to identify  
15 and export what Plaintiffs requested, and time-intensive efforts by a number of  
16 TikTok employees. *Id.*

17 First, Defendants produced on October 20, 2023,<sup>1</sup> a list of every website  
18 Defendants could identify that has used the TikTok Pixel. *Id.* ¶ 6. The list  
19 contained over 500,000 websites. As explained above, the creation and production  
20 of this list was complex and time-consuming. *Id.* ¶¶ 4-5. As Plaintiffs note, they  
21 identified in mid-December two websites that they cannot find in that large list. *Id.*  
22 ¶ 8. While Defendants produced, to the best of their knowledge, a complete list of  
23 websites that have used the Pixel, they are actively investigating Plaintiffs'  
24 questions. *Id.*

25 Second, Defendants produced on December 11 a snapshot of the unmatched  
26 data collected over 24 hours by the Pixel. *Id.* ¶ 12. TikTok typically does not use

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28 <sup>1</sup> While Plaintiffs stated in their Motion that Defendants produced this list on  
November 6, Mot. at 7, the correct date of production is October 20.

1 unmatched data at an individual level and thus does not store it in a way that would  
2 make this request straightforward. *Id.* ¶ 10. As with the list of websites, this task  
3 required multiple efforts and discussions about how best to identify, query and  
4 export this data. *Id.* ¶¶ 10-11. To the best of their ability and knowledge,  
5 Defendants produced a complete snapshot. Plaintiffs reached out to Defendants  
6 with questions regarding the data on December 15. *Id.* ¶ 14. Defendants are  
7 actively investigating and will respond as soon as reasonably possible. *Id.*

8 Finally, with respect to the custodial data collection, the parties first began  
9 negotiating custodial searching in late October. *Id.* ¶ 15. At Plaintiffs' request,  
10 Defendants agreed to search the data of a large number of custodians (30) and run  
11 search terms in both English and Chinese. *Id.* Defendants timely initiated and are  
12 in the process of collecting full custodial data for the 30 custodians, which requires  
13 multiple steps and significant machine processing time. *Id.* ¶ 16. As a result, the  
14 parties have not yet negotiated the final search terms. *Id.* That said, Defendants  
15 are well underway in the process of reviewing the custodial documents that have  
16 already been collected and hit on terms that both parties agree on and fully intend  
17 to make rolling productions. *Id.* ¶ 17.

18 In conclusion, Defendants have actively participated in discovery, including  
19 tremendous efforts by TikTok employees. While Defendants do not believe that  
20 much of this discovery is needed to resolve this case or to determine the  
21 appropriateness of class certification, they nonetheless are working with Plaintiffs  
22 in good faith to resolve any discovery disputes and to provide the requested  
23 information. Because Defendants firmly believe that the merits of the case are in  
24 their favor, our goal has been to provide the discovery Plaintiffs seek within reason  
25 and as quickly as we can reasonably provide it so that the case may be submitted to  
26 the Court for a decision on the merits as soon as possible.

1 Dated: December 28, 2023

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2  
3 By: /s/ Sophia M. Mancall-Bitel  
4 Sophia M. Mancall-Bitel

5 *Attorney for Defendants*  
6 TIKTOK INC. and BYTEDANCE INC.  
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**CERTIFICATE OF COMPLIANCE**

The undersigned, counsel of record for Defendants TikTok Inc. and ByteDance Inc., certifies that this brief contains 653 words, which complies with the word limit of L.R. 11-6.1.

Dated: December 28, 2023

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By: /s/ Sophia M. Mancall-Bitel  
Sophia M. Mancall-Bitel

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